

Exhibit H

1 UNITED STATES BANKRUPTCY COURT

2 EASTERN DISTRICT OF NEW YORK

3 Case No. 16-40809-ess

4 Adv. Case No. 17-01005

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6 In the Matter of:

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8 TASHANNA B GOLDEN

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10 Debtor.

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12 TASHANNA B GOLDEN

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14 Plaintiff,

15 v.

16 NATIONAL COLLEGIATE TRUST ET AL

17

18 Defendants.

19 - - - - - x

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United States Bankruptcy Court
271-C Cadman Plaza East
Brooklyn, NY 11201

August 27, 2019

3:24 PM

B E F O R E :

HON ELIZABETH S. STONG

U.S. BANKRUPTCY JUDGE

ECRO: UNKNOWN

1 HEARING re Adjourned Pre-Trial Conference re [1] Complaint
2 [32] Amended Complaint

3 Adjourned from: 3/9/17 4/18/17 7/19/17 8/30/17 10/24/17
4 1/9/18 1/30/18 3/8/18 5/14/18 7/26/18 10/3/18 11/28/18
5 1/31/19 3/7/19 4/23/19 7/15/19

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25 Transcribed by: Sonya Ledanski Hyde

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16 BY: GREGORY T. CASAMENTO

17 R. JAMES DEROSE

1 THE COURT: I have his letter. It was filed at
2 10:14 last night.

3 MS. SENIAWSKI: Thank you. Since the last
4 conference, we have produced the privilege law, and we have
5 also gone to all of the non-parties that are affected by the
6 document requests that are made to Firstmark with whom we
7 have confidentiality obligations, and we have requested
8 whether or not we have their consent to produce the
9 documents.

10 THE COURT: And this is what brings Citibank here.

11 MS. SENIAWSKI: Exactly.

12 THE COURT: Right.

13 MS. SENIAWSKI: So Citibank did respond, and since
14 they are here, I will not speak for Citibank. Several
15 lenders consented, in which case, we will be producing more
16 documents.

17 THE COURT: Okay, good.

18 MS. SENIAWSKI: That is not an issue. Several
19 lenders expressly said no. Citibank is one of them.
20 Several lenders have not responded. And so, to generally
21 give you our overview, as Mr. Haveles has very helpfully
22 discussed, you know, the threshold is relevance. But then,
23 even beyond the relevance, what we would ask with respect to
24 our confidentiality obligations is that the Plaintiff either
25 directly subpoena the non-party, or that the non-party be

1 given a chance to interpose their objections within this
2 proceeding.

3 THE COURT: All right. All right, as a process
4 matter, that certainly makes sense, whether it's in response
5 to a subpoena -- maybe it needs to be to have the best
6 possible record. Could you give me a sense of order of
7 magnitude of how many in the different categories there are,
8 how many lenders in total, how many said yes, how many said
9 no, how many said, we haven't said anything yet? Order of
10 magnitude, and if it's helpful to have your colleague chime
11 in, even though I know you were up quite late last night Mr.
12 Kaplan, I'll take the information in a ballpark way from
13 whoever I can get it from. I don't think it's in the
14 letter, but if I'm wrong, I apologize. I'm double checking.

15 MS. SENIAWSKI: I know Mr. Kaplan has those
16 numbers. Chip, if you're --

17 THE COURT: Mr. Kaplan, how many lenders did
18 Nelnet reach out to, did Firstmark reach out to?

19 MR. KAPLAN: Your Honor, I believe there were
20 somewhere in the ballpark of 20 non-party loan holder
21 clients --

22 THE COURT: Okay.

23 MR. KAPLAN: -- the communication was sent out to.
24 Of those approximately 20, I want to say six or seven
25 consented, two or three explicitly (indiscernible), and the

1 remaining nine or ten didn't respond

2 THE COURT: So you've heard from about half.

3 You're waiting to hear from the other half. And of the half
4 you've heard from, about two-thirds said yes, and about one-
5 third said, actually, no. All right, well, I do think
6 you're taking the steps you need to take. I always am
7 surprised by how long things take, but I also appreciate how
8 long things take in terms of how long we've been working on
9 this. It may be that this is -- is there anything further
10 from Firstmark's perspective? The things you've -- the
11 documents and information that you've got, that you have
12 been -- that you've got an agreement to the production of,
13 you have produced. Is that correct?

14 MS. SENIAWSKI: Your Honor, we will be producing
15 them.

16 THE COURT: How soon?

17 MS. SENIAWSKI: My understanding is, within the
18 next couple of weeks. It may be sooner than that, but Mr.
19 Kaplan is actually deeply involved in the process.

20 THE COURT: Mr. Kaplan, ballpark sense of when the
21 Plaintiffs can begin to see this particular universe of
22 documents? And rolling production is sometimes helpful. Do
23 you think in two weeks, you can begin the production?

24 MR. KAPLAN: Your Honor, we (indiscernible) --
25 absolutely. I think the goal will be well before two weeks,